

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Leo Mullen and Doris Kane-Mullen

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott A. Portner, Esq./Freedman & Lorry, P.C.

1601 Market Street, Suite 1500

Philadelphia, PA 19103 (215) 925-8400

DEFENDANTS

Korkya Shipping, Ltd., Invictus Navigation, Ltd., Vantage Shipping Lines, SA and S.K. Shipping Co., Ltd.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input checked="" type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input checked="" type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332

Brief description of cause:

Action of maritime worker against vessel owner.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ in excess of 150,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/26/2017

SIGNATURE OF ATTORNEY OF RECORD

Scott A. Portner, Esq.

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

SCOTT A. PORTNER, ESQUIRE

Identification No. 85314

FREEDMAN & LORRY, P.C.

1601 Market Street, Suite 1500

Philadelphia, PA 19103

(215) 925-8400

Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LEO MULLEN and DORIS KANE-MULLEN	:	CIVIL ACTION
8 Teakwood Lane	:	
Sicklerville, NJ 08081,	:	NO.
Plaintiffs	:	
	:	
VS.	:	
	:	
KORKYA SHIPPING, LTD.	:	
Staliste Frona Krisinica 4, 20260	:	
Korcula, Croatia	:	
and	:	
INVICTUS NAVIGATION, LTD.	:	
c/o Vantage Shipping Lines, SA	:	
2 nd Floor, Stoa Centre	:	
4-6 Solomou Street, 154-51	:	
Athens, Greece	:	
and	:	
VANTAGE SHIPPING LINES, SA	:	
2 nd Floor, Stoa Centre	:	
4-6 Solomou Street, 154-51	:	
Athens, Greece	:	
and	:	
S.K. SHIPPING CO., LTD	:	
S.K. Shipping Namsan Building, 18 th Floor	:	
267 Namdaemunro 5-GA Chung-Gu	:	
Seoul, Korea 100-711,	:	
Defendants	:	

COMPLAINT

JURY TRIAL DEMANDED

1. The Plaintiffs Leo Mullen and Doris Kane-Mullen are citizens and residents of the State of New Jersey and at all times relevant hereto, have been husband and wife.

2. Defendant Korkya Shipping, Ltd. is a corporation organized and existing under the laws of Croatia with its principal place of business located at Staliste Frona Krisinica 4, 20260 Korcula, Croatia.

3. Defendant Invictus Navigation, Ltd. is a corporation organized and existing under the laws of Greece with its principal place of business located at c/o Vantage Shipping Lines, SA, 2nd Floor, Stoa Centre, 4-6, Solomou Street, 154-51 Athens, Greece.

4. Defendant Vantage Shipping Lines, SA is a corporation organized and existing under the laws of Greece with its principal place of business located at 2nd Floor, Stoa Centre, 4-6, Solomou Street, 154-51 Athens, Greece.

5. Defendant S.K. Shipping Co., Ltd. ("S.K. Shipping") is a business organization organized and existing under the laws of South Korea, with its primary place of business located at S.K. Shipping Namsan Building, 18th Floor, 267 Namdaemunro 5-GA Chung-Gu, Seoul, Korea 100-711.

6. The jurisdiction of this Court arises under the diversity jurisdiction of this Court, 28 U.S.C. §1332, there being diversity of citizenship among the parties and the amount in controversy being in excess of One Hundred and Fifty Thousand Dollars (\$150,000.00), exclusive of interest and costs.

7. Venue is appropriate in this Court since a substantial part of the events giving rise to the claim occurred in this Judicial District.

8. On or about September 29, 2014, and at all times material hereto, Defendants Korkya Shipping, Ltd. owned, operated, managed, possessed and controlled a certain general cargo vessel known as the M/V MONEYBALL.

9. On or about September 29, 2014, and at all times material hereto, Defendant Invictus Navigation, Ltd. owned, operated, managed, possessed and controlled a certain general cargo vessel known as the M/V MONEYBALL.

10. On or about September 29, 2014, and at all times material hereto, Defendant Vantage Shipping Lines, SA owned, operated, managed, possessed and controlled a certain general cargo vessel known as the M/V MONEYBALL.

11. On or about September 29, 2014, and at all times material hereto, Defendant S.K. Shipping Co., Ltd. chartered, operated, possessed and controlled a certain general cargo vessel known as the M/V MONEYBALL.

12. On or about September 29, 2014, the M/V MONEYBALL was in navigable waters of the United States and berthed at the Broadway Pier 1 in the Port of Camden, New Jersey.

13. On or about September 29, 2014 the Plaintiff Leo Mullen was employed by Delaware River Stevedores in the capacity of longshoreman and was assigned to work as a crane operator aboard the M/V MONEYBALL.

14. On or about September 29, 2014, at approximately 4:45 p.m., the Plaintiff Leo Mullen was in the course and scope of his employment as a longshoreman aboard the M/V MONEYBALL and was descending a ladder leading from the controls of the number 1 crane of the vessel to the main deck area when he was caused to slip and fall by virtue of the presence of a slippery substance on the steps, platforms and handholds of the access way leading from the controls of crane number 1 to the main deck area and sustain the injuries which are the subject of this action.

15. The injuries sustained by the Plaintiff, Leo Mullen on or about September 29, 2014, as set forth below, and the aforescribed slippery condition, were caused by the carelessness and

negligence of Defendants acting through their agents, servants, workmen and employees, including, but not limited to, the breach by said Defendants of their “turnover”, “intervention”, and/or “active operations/active control” duties to the Plaintiff under Section 5(b) of the Longshore and Harbor Workers Compensation Act, 33 U.S.C. §905 (b).

16. By reason of the carelessness and negligence of Defendants as aforesaid, the Plaintiff Leo Mullen was caused to sustain multiple injuries, including, but not limited to, severe injuries to his cervical spine including left C4, 5, 6, 7 disc ruptures with associated left C5, 6, 7 radiculopathies; left shoulder chronic adhesive capsulitis, high grade partial rotator cuff tear and biceps tenosynovitis; he also sustained severe shock and injury to his nerves and nervous system; he has in the past required and may in the future continue to require medicines, medical care and attention; he has in the past been and may in the future be compelled to expend monies and incur obligations for such care and attention; he has in the past suffered and may in the future continue to suffer agonizing aches, pains and mental anguish; he has in the past been and may in the future continue to be disabled from performing his usual duties, occupations and avocations.

WHEREFORE, Plaintiff, Leo Mullen claims damages of the Defendants for a sum in excess of One Hundred and Fifty Thousand Dollars (\$150,000.00) together with pre-judgment interest and costs, and brings this action to recover same.

COUNT II – CLAIM OF PLAINTIFF DORIS KANE-MULLEN VS. ALL DEFENDANTS

17. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs 1 through 16 as if fully set forth herein.

18. By reason of the carelessness and negligence of the Defendants as aforesaid, and the resulting injuries suffered by the Plaintiff Leo Mullen, the Plaintiff Doris Kane-Mullen has

been and will in the future be deprived of the assistance, society, companionship, comfort and consortium of her husband, the Plaintiff, Leo Mullen to her detriment and loss.

WHEREFORE, Plaintiff Doris Kane-Mullen claims judgment against the Defendants on this Count II for a sum in excess of One Hundred and Fifty Thousand Dollars (\$150,000.00) in damages, together with pre-judgment interest and costs, and brings this action to recover same.

FREEDMAN & LORRY, P.C.

BY: Scott A. Portner
SCOTT A. PORTNER, ESQUIRE
Attorney for Plaintiffs

Dated: 9/26/17